

may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2336, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to once again manage this bill on behalf of my friend and colleague, the gentleman from Florida (Mr. MCCOLLUM), who is the chief architect of this bill and legislation in previous Congresses, which was actually the same legislation. I want to recognize his important leadership on this issue.

Mr. Speaker, the United States Marshals Service is the Nation's oldest Federal law enforcement agency. It is an agency of the Department of Justice. It is charged with many important and varied, and I stress that word varied, law enforcement responsibilities, including operating the witness security program, which is a very complex program, protecting the Federal judiciary, apprehending Federal fugitives, managing seized and forfeited assets in the Federal Court system, and transporting Federal prisoners between Federal prisons.

Today, there are 94 U.S. marshals, one for each Federal judicial district. Each of these persons is presently appointed by the President with the advice and consent of the Senate. But, unfortunately, there is no criteria for the selection of marshals. In fact, no managerial or law enforcement experience is even required, and it is that managerial experience that has given us problems. It is an unfamiliarity with the witness security program that has given us problems. It is not being familiar with the Federal court system and the special procedures there that has given us problems.

Unlike all other Marshals Service employees, each U.S. Marshal is exempt from the control or discipline of the director of the Marshals Service, cannot be reassigned, and can only be removed by the President or upon appointment of a successor. This lack of accountability has resulted in numerous problems, including budgetary irresponsibility among some marshals. A lack of law enforcement experience, and even more so the lack of experience in carrying out the specialized duties of the Marshals office and unfamiliarity among some appointed marshals with the mission of the Marshals Service, has led to a glut of middle managers who must assist the U.S. Marshal rather than actively pursue the work that the Deputy U.S. Marshals are supposed to do.

Mr. Speaker, this bill will address those problems. It is the United States Marshals Service Improvement Act of

1999. It will professionalize the Marshals Service by amending the selection process for U.S. Marshals. Under this bill, all marshals would be selected by the Attorney General from persons who work in the Federal Civil Service System. The bill will help to ensure that only career Federal employees with law enforcement and, as I said, more importantly with managerial experience, will be appointed as U.S. Marshals. In fact, I expect that most, if not all, future marshals will come from the ranks of career marshal employees, people that have experience dealing with the day-to-day intricacies of the Marshals Service.

The changes put forth by this bill will go into effect January 1, 2002. In the interim, all U.S. Marshals currently serving will continue to perform their duties until their terms expire, unless they resign or are removed by the President. And all marshal vacancies that must be filled between the date of the enactment of this legislation and December 31, 2001, will be filled as currently done, by presidential appointment, with the advice and consent of the Senate, for a 4-year term.

The text of H.R. 2336 is identical to a bill introduced in the 105th Congress by the gentleman from Florida (Mr. MCCOLLUM), H.R. 927, the United States Marshals Service Improvement Act of 1997. That bill passed the House on the suspension calendar by a voice vote on March 18, 1997. Unfortunately, the other body did not act on that bill, and so the gentleman from Florida (Mr. MCCOLLUM) reintroduced the legislation in this Congress, and that legislation is H.R. 2336.

This legislation continues to enjoy strong bipartisan support, and I urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the bill H.R. 2336.

Mr. Speaker, the United States Marshals Service Improvement Act of 1999 is the bill before us, and I want to thank the gentleman from Alabama for outlining the importance of the U.S. Marshals Service and the provisions in the bill.

This bill will change the selection process of the United States Marshals from that of appointment by the President, with advice and consent of the Senate, to a merit system appointment by the Attorney General. It is expected this will bring about an improvement in the level of professionalism in the U.S. Marshals Service and provide more opportunities for advancement among the professional employees of the service.

As the gentleman from Alabama mentioned, a similar bill passed the House last year but was not taken up by the Senate. That bill provided for the appointment of U.S. Marshals by

the U.S. Marshal. Some Members voted against that bill and expressed the concern that such an appointment procedure might dilute the progress made in assuring diversity and excellence in qualifications among the U.S. Marshals. The requirement in H.R. 2336 for the appointment by the Attorney General should ensure a broader applicant pool and a greater visibility and accountability to minority and female hiring concerns.

The bill, H.R. 2336, passed both the Subcommittee on Crime and the full Committee on the Judiciary by a unanimous vote. No opposition to the matter was expressed during committee consideration to the bill and I, therefore, urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation would depoliticize the selection process, it would address problems of patronage in the present system, and, most importantly, it would allow us to appoint more experienced U.S. Marshals, marshals not only experienced in law enforcement but, more importantly, experienced in the complexities of the U.S. Marshals' job.

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Mr. Speaker, I urge passage of the legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and pass the bill, H.R. 2336, as amended.

The question was taken.

Mr. COLLINS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

RECOGNIZING THE U.S. BORDER PATROL'S SEVENTY-FIVE YEARS OF SERVICE

Mr. BACHUS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 122) recognizing the United States Border Patrol's 75 years of service since its founding.

The Clerk read as follows:

H. CON. RES. 122

Whereas the Mounted Guard was assigned to the Immigration Service under the Department of Commerce and Labor from 1904 to 1924;

Whereas the founding members of this Mounted Guard included Texas Rangers, sheriffs, and deputized cowboys who patrolled the Texas frontier looking for smugglers, rustlers, and people illegally entering the United States;

Whereas following the Department of Labor Appropriation Act of May 28, 1924, the Border Patrol was established within the Bureau of Immigration, with an initial force of 450 Patrol Inspectors, a yearly budget of \$1 million, and \$1,300 yearly pay for each Patrol Inspector, with each patrolman furnishing his own horse;

Whereas changes regarding illegal immigration and increases of contraband alcohol traffic brought about the need for this young patrol force to have formal training in border enforcement;

Whereas during the Border Patrol's 75-year history, Border Patrol Agents have been deputized as United States Marshals on numerous occasions;

Whereas the Border Patrol's highly trained and motivated personnel have also assisted in controlling civil disturbances, performing National security details, aided in foreign training and assessments, and responded with security and humanitarian assistance in the aftermath of numerous natural disasters;

Whereas the present force of over 8,000 agents, located in 146 stations under 21 sectors, is responsible for protecting more than 8,000 miles of international land and water boundaries;

Whereas, with the increase in drug-smuggling operations, the Border Patrol has also been assigned additional interdiction duties, and is the primary agency responsible for drug interdiction between ports-of-entry;

Whereas Border Patrol agents have a dual role of protecting the borders and enforcing immigration laws in a fair and humane manner; and

Whereas the Border Patrol has a historic mission of firm commitment to the enforcement of immigration laws, but also one fraught with danger, as illustrated by the fact that 86 agents and pilots have lost their lives in the line of duty—6 in 1998 alone: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the historical significance of the United States Border Patrol's founding and its 75 years of service to our great Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alabama (Mr. BACHUS) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Alabama (Mr. BACHUS).

GENERAL LEAVE

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H. Con. Res. 122.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BACHUS. Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to wholeheartedly and enthusiastically support H. Con.

Res. 122, commemorating the 75th anniversary of the United States Border Patrol.

I would like to especially thank my colleague and friend, the gentleman from Texas (Mr. REYES), for sponsoring this legislation.

I come to pay tribute to a group of men and women who guard our Nation's borders and risk their very lives every day. The group of men and women to whom I am referring are the United States Border Patrol.

Might I, as a personal note, and I know that he might share it with my colleagues, just thank the gentleman from Texas (Mr. REYES) for the years of service that he gave in the Border Patrol command. His advocacy, his affection, his service has been much appreciated by all concerned.

On May 28, 1924, the Border Patrol was established within the Bureau of Immigration with an initial force of 40 patrol inspectors and a yearly budget of \$1 million.

This year is the 75th anniversary of the United States Border Patrol. Along with my colleague, the gentleman from Texas (Mr. REYES), we also introduced the Border Patrol Recruitment and Retention Act of 1999.

This legislation provided incentives and support for recruiting and retaining Border Patrol agents. This legislation increased compensation for Border Patrol agents and allowed the Border Patrol agency to recruit its own agents without relying on the personnel office of the Department of Justice or INS.

We know for sure that the Border Patrol could, in fact, do their own business and do their own job, but we also know that because of the hard work that they deserve the incentives and pay increases that any other law enforcement organization deserved or received.

The Border Patrol Recruitment and Retention Enhancement Act moved Border Patrol agents with one year's agency experience from the Federal Government's GS-9 pay level, approximately \$34,000 annually, to GS-11, approximately \$41,000 annually next year.

Fortunately, the language was inserted in the Commerce-Justice-State appropriations bill, which passed the House and which established an Office of Border Patrol and Retention and called for the Border Patrol agents to receive bonuses and pay raises.

I am delighted that in this 75th year we have respected the Border Patrol by acknowledging them as the law enforcement body that they are and providing them with the possibility of compensation that they deserve.

I am glad to join with the gentleman from Texas (Mr. REYES), a champion of the Border Patrol in the Congress, in drafting a bill that would focus attention to it more. And we have achieved some results from our efforts.

We are a Nation of immigrants and a Nation of law. The men and women of

the United States Border Patrol put their lives on the line every day guarding our lives and protecting our borders. The present force of 8,000 members is responsible for protecting more than 8,000 miles of international land and water boundaries and work in the deserts of Arizona and Texas and California along with our extensive northern border between the United States and Canada.

Mr. Speaker, let me thank the gentleman from Texas (Mr. SMITH) for supporting this legislation and the gentleman from Texas (Mr. REYES) for offering and authoring this legislation, H. Con. Res. 122, which recognizes the historical significance of the United States Border Patrol's 75 years of commitment and service to our great Nation.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, it is my pleasure and honor to yield such time as he may consume to the gentleman from Texas (Mr. REYES), my friend and colleague and the author of this legislation.

Mr. REYES. Mr. Speaker, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) and a very good friend of mine for yielding me the time.

Mr. Speaker, let me begin by thanking my colleagues, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member, for their help in bringing this bill to the floor today.

Let me also thank my friend and colleague the gentleman from Alabama (Mr. BACHUS) for his support here this afternoon, as well.

This year is the 75th anniversary of the establishment of the United States Border Patrol. I had the privilege and the honor of being part of the U.S. Border Patrol for more than 26 years before I came to Congress. I joined the Border Patrol after my service in Vietnam. At the time that I joined, I was not fully aware of the historic past of the United States Border Patrol, whose motto today, as it was and always has been, is "honor first" and whose exemplary service through the years has proven that this motto is truly a way of life for its officers.

Mr. Speaker, I include for the RECORD a document entitled "The History of the United States Border Patrol."

BORDER PATROL HISTORY

From the time this nation was established until 1875 there was no legislation restricting immigration except the Alien Act of 1798 which provided the President with the authority to order the departure from the United States of any alien whom he deemed dangerous to the welfare of the country. This legislation was unpopular and it was not renewed when its two-year term expired. Between 1820 and 1880, more than ten million immigrants arrived in this country. The first restrictive legislation passed by Congress was the Act of March 3, 1875, which barred

the immigration of convicts and of women for the purpose of prostitution. This Act was followed by the Immigration Statute of August 8, 1882, which barred the admission of idiots, lunatics, convicts, and persons likely to become a public charge. Also in 1882, the first Chinese exclusion law was adopted, and in 1885, the first Contract Labor Law was passed. These laws were designed to restrict the entry of certain undesirable aliens and the flood of Chinese and other large bodies of cheap labor being imported into the United States which was flooding and depressing the labor market. As the door was closed tighter by these progressively restrictive immigration laws, increasingly large numbers of Orientals and other inadmissible aliens resorted to illegal entry to gain admission, and the need for a border control force to prevent illegal entry evolved. As early as 1904, the Commissioner General of Immigration assigned a small group of mounted inspectors along the borders to prevent the smuggling and illegal entry of aliens. This token force of untrained officers, never totaling more than 76, was woefully inadequate to cope with the illegal entry problem. In addition, once the alien escaped the border area, he generally melted into the population undetected, as there were no officers available to search out and deport him. It was estimated that for every one hundred aliens apprehended at the borders, one thousand escaped detection. Because of increased and continuing illegal entry activity, a separate unit of mounted inspector was organized in March of 1914, to which was assigned additional men and equipment, such as boats, cars, etc. The unit's scope was described as general, and the officers operated without regard to district boundaries, thus avoiding any clash of authority among officers of the respective districts. It was stated, however, that the new system was not extensive enough to cope with the organized efforts of those engaged in the business of smuggling aliens, and that this contraband traffic and illegal entry of aliens could only be broken up by the formation of a border patrol that could devote all its efforts to the prevention of the illegal entry of aliens and to seek out, arrest, and deport all aliens in the United States illegally. It was stated that the only way to stop surreptitious entries was to make it certain that arrest and expulsion would follow.

Because of travel restrictions and the assignment of troops along the borders during the World War I years of 1917-1918, immigration and illegal border activity were greatly reduced, but with the close of the war, smuggling and illegal entry accelerated rapidly. The Bureau of Immigration again resumed its efforts to close the borders between the ports of entry. The Commissioner General made strong recommendations in 1919, requesting funds for a patrol service to guard the borders and coastlines, stressing the need for a force that could devote all its energies to this important function. It was emphasized that large numbers of European and Chinese aliens who were smuggled in from Canada, Mexico, and Cuba were being apprehended. Reports in 1922 indicated there were 30,000 unemployed Chinese in Cuba, and more arriving regularly, who intended to enter the United States illegally. Smuggling from Cuba was prevalent, approaching alarming proportions.

Prior to the enactment of the Immigration Act of 1917 there were so few immigration restrictions applicable to natives and citizens of Canada and Mexico there was little reason to enter illegally. Unlike the immigrants

from overseas, they were not required to pay the head tax and they were not compelled to take the literacy test. Those who measured up to the relatively simple requirements of the law were free to enter in unlimited numbers. The Immigration Act of 1917, however, imposed the head tax of \$8.00 on Canadians and Mexicans and, like other aliens, they were subjected to the reading test provided in the new law. These two provisions contributed significantly to widespread border violations and increases in smuggling. Between Fiscal Years 1922 and 1924 seaman desertions rose from 5,879 to 34,679. In Fiscal Year 1924 only 6,409 aliens were deported, but the small number of officers assigned to patrol the borders was insufficient to prevent many illegal entrants from escaping detection and reaching inland points.

The volume of legal immigration soared from 141,132 in 1919 to 805,228 in 1921, and there was much concern lest an uncontrolled flood of immigration from the war-ravaged countries of Europe might descend on the United States. Because of this fear, there emerged the temporary Quota Act of 1921, which permitted the admission annually of 3% of the number of persons of each nationality in the United States according to the 1910 census. On May 26, 1924, Congress adopted a permanent quota law, which restricted immigration to approximately 150,000 quota immigrants a year.

As additional restrictions were placed on immigration, more aliens resorted to illegal entry. Congress, aware that it was unrealistic to inspect applicants for admission at ports of entry, but at the same time leave long, wide-open stretches of unguarded border between the ports where inadmissible aliens could readily enter the United States, and realizing the need for a force that could devote all of its energies to the prevention of smuggling and illegal entry and the apprehension of aliens illegally in the United States, created the Border Patrol in the Department of Labor Appropriations Act of May 28, 1924. The Act provided for the expenditure of at least one million dollars for "additional land-border patrol". Since then, the Border Patrol has been an integral part and important enforcement arm of the Immigration and Naturalization Service.

As there was no Civil Service register for immigration patrol inspectors, the initial force was selected from Civil Service registers for railway postal clerks and immigration inspectors. The hastily recruited small band of officers was given the responsibility of enforcing Section 8 of the Immigration Act of February 5, 1917 (39 Stat. 874:8 U.S.C.), which prohibited smuggling, harboring, concealing, or assisting an alien not duly admitted by an immigrant inspector or not lawfully entitled to enter or reside in the United States.

Although the infant organization was charged with the responsibility of combating illegal entry and the highly organized and lucrative business of alien smuggling, the necessary authority to act was not provided in the statute under which the Patrol was established. During the first few months of operation, officers were further handicapped in the performance of their duties in that they were not uniformed and had nothing but their badges to distinguish them from other citizens. This situation gave smugglers, illegal entrant aliens, and others an excuse for ignoring their commands, thereby endangering the lives of the officers. This latter handicap was remedied in December 1924 when a Border Patrol uniform was adopted. The Border Patrol has since been known as

the uniformed enforcement division of the Immigration and Naturalization Service.

Following creation of the Border Patrol, large-scale alien smuggling from Cuba to Florida and the Gulf Coast areas continued. In order to combat this difficult problem, Congress, in the Act of February 27, 1925 (43 Stat. 1049-1050; 8 U.S.C. 110), provided funds for a "coast and land border patrol", and, in addition, realizing that Border Patrol officers lacked specific authority to act, authorized any designated employee of the Bureau of Immigration to execute any warrant or other process issued by any officer under any law regulating the admission, exclusion, or expulsion of aliens and, without warrant,

(1) to arrest any alien who, in his presence or view, is entering or attempting to enter the United States in violation of any law or regulation made it pursuant of law regulating the admission of aliens, and to take such alien immediately for examination before an immigrant inspector or other official having authority to examine aliens as to their rights to admission to the United States, and

(2) to board and search for aliens any vessel within the territorial waters of the United States, railway car, conveyance, or vehicle, in which he believes aliens are being brought into the United States.

Officers operated under the provisions of this Act until it was amended by the Act of August 7, 1946 (60 Stat. 865; 8 U.S.C. 110), which continued the basic authorities with the following revisions:

(1) Extended the power, without warrant, to arrest any alien in the United States in violation of any law or regulation made in pursuance of law regulating the admission, exclusion, or expulsion of aliens, and likely to escape before a warrant could be obtained for his arrest.

(2) Reason to believe aliens were being brought into the United States in a conveyance was no longer necessary to board and search such conveyance; however, the search had to be made within a reasonable distance of an external boundary.

(3) Added the power, without warrant, to make arrests for felonies committed and cognizable under any law of the United States regulating the admission, exclusion, or expulsion of aliens, if the person making the arrest has reason to believe that the person so arrested in guilty of such felony and if there is likelihood of the person escaping before a warrant can be obtained for his arrest.

Approximately six years later, the Act of March 20, 1952, amended Section 8 of the Immigration Act of 1917 and title IV of the Act of February 27, 1925. The basic authorities in effect at the time of the new Act were retained with the following revisions and/or additions:

(1) Transportation within the United States of known illegal entrant aliens was, for the first time, made an offense.

(2) Employment and usual and normal practices incident to employment were deemed not to constitute harboring illegal aliens.

(3) Arrests for harboring, smuggling, and transportation of illegal aliens were restricted to designated officers and employees of the Immigration and Naturalization Service, and all other officers whose duties were to enforce criminal laws.

(4) Provision was made for officers to have access to private lands, but not dwellings, within 25 miles of any external boundary, for the purpose of patrolling the border to prevent the illegal entry of aliens.

Some three months later, the Act of June 27, 1952 (66 Stat. 163), cited as the "Immigration and Nationality Act", also referred to as the McCarran-Walter Act, repealed and substantially reenacted most of the laws relating to immigration and nationality, including the authorities of immigration officers to act without warrant. The one significant addition to authority of officers was the provision which permitted boarding and searching of a conveyance for aliens to be performed anywhere in the United States, so long as the officer had reason to believe aliens were being brought into the United States in the vehicle being searched.

The authorities contained in the Immigration and Nationality Act provide the basis for action by our officers today. The primary authority under which the Border Patrol operates stems from Section 103 of this Act (8 U.S.C. 1103), which states, in part, that the Attorney General shall "... have the power and duty to control and guard the boundaries and borders of the United States against the illegal entry of aliens and shall, in his discretion, appoint for that purpose such number of employees of the Service as to him shall appear necessary and proper".

This authority has been delegated by him to the Commissioner of Immigration and Naturalization, and the Commissioner, in turn, has delegated, under 8 CFR 103.1, to the Deputy Associate Commissioner, Domestic Control, the responsibility for all the Border Patrol activities of the Service.

Further, in order to provide Border Patrol officers authority and protection when they encounter violators of customs laws incident to the performance of their normal duties, arrangements were made in 1955 for their designation as Customs Patrol Inspectors. This designation was updated on July 14, 1971, providing for delegation of authority to designate Border Patrol Agents as acting Customs Patrol Officers, without compensation. Basic authority to act under this designation lies in Title 19 U.S.C. 1581.

The Border Patrol had an initial force of 450 officers assigned to the Florida and Gulf Coasts and the two land boundaries. Exhibit I shows appropriations, officer force, and numbers of deportable aliens and smugglers apprehended, Fiscal Year 1925 to Fiscal Year 1973, inclusive. During these years, the Border Patrol apprehended 7,061,853 deportable aliens and 40,463 smugglers of aliens. In addition, the Border Patrol works closely with other agencies and, incidental to their regular duties, its officers have apprehended tens of thousands of violators of other laws and seized smuggled contraband, liquor, and narcotics valued at millions of dollars.

The Border Patrol has always been a flexible and mobile organization whose officers have high morale and an intense pride in their organization. When first organized, the entrance-on-duty salary was \$1,680 per annum, as compared to \$9,969 at the present time. Initially, the Border Patrol was under the supervision of the border district directors. However, starting January 1932, in order to obtain a greater degree of coordination and uniformity in operations and supervision, it was placed under the immediate control of two directors—one located at El Paso, Texas, for the Mexican border, and the other at Detroit, Michigan, for the Canadian border. This administrative alignment was terminated on June 1, 1933, and the Border Patrol reverted to its former plan of organization. When the regional concept was adopted on January 3, 1955, the Border Patrol continued to operate under the respective districts until October of that year. At that

time, operational activities were placed under the immediate direction of the regional offices. This arrangement provided needed flexibility and better coordination of activities between the sectors, and facilitated the movement of officers and equipment to meet changing work-loads and conditions.

In January 1930, hearings were held by the Committee on Immigration and Naturalization, House of Representatives, to consider merging of the Immigration and Customs Border Patrols so that the execution of the customs, immigration, prohibition, and other laws regulating or prohibiting the entry into the United States of persons and merchandise might be more effective. It was proposed by the Secretary of the Treasury that the unified Border Patrol be part of the Coast Guard and be charged with the duty of guarding the borders between the designated ports of entry to prevent the entry of persons and merchandise over the land and water boundaries. The proposed unified Border Patrol was to replace the Customs and Immigration Border Patrols on the Mexican and Canadian borders and complement of work of the Coast Guard on the maritime boundaries, thereby eliminating duplication of effort, concentrating responsibility for the protection of the borders, and bringing about a more effective coordination of work. The plan, however, did not get beyond the discussion stage. Upon repeal of the prohibition laws in 1933, liquor smuggling, for all practical purposes, ceased to exist. The number of customs patrol inspectors diminished thereafter and the organization was finally abolished on July 24, 1948.

In 1935, the Border Patrol, realizing the need and value of radio communications in its work, began the installation and use of radios in vehicles and stations. This was the forerunner of the comprehensive and effective radio network we have today.

As a continuing effort to improve its efficiency and effectiveness, the Border Patrol, in 1939, established a fingerprint unit in El Paso, Texas, for aliens apprehended in the three Mexican border districts. The unit provided rapid and positive identification of previously arrested aliens, and proved to be a very effective enforcement tool until it was unable to process the increasingly large number of fingerprints of aliens apprehended along the Mexican border. The unit had, as its maximum, seven employees, and personnel limitations made it impossible to expand the unit so it could keep pace with the increasing number of aliens apprehended by the Border Patrol in Mexican border districts. Because of its limitations, the unit was discontinued in 1953.

Except for the initial year of its existence, the Border Patrol officer force, workload, and accomplishments remained fairly constant through fiscal year 1940 (see Exhibit I). During appropriation hearings for fiscal year 1941, the Secretary of Labor vigorously opposed a proposed reduction in the Border Patrol force, stating "I think the Border Patrol is our most efficient and effective branch of the Service and whatever reductions are made in the Immigration Service should be at points other than the Border Patrol. It is the prevention of illegal entry that will reduce our work." On June 14, 1940, (Reorganization Plan No. V, 5 F.R. 2223; 5 U.S.C. 99, 1940 ed.) the Immigration and Naturalization Service was transferred from the Department of Labor to the Department of Justice. Because of the grave international situation that existed in 1940 and the belief that aliens who would be a threat to the best interests

of the country would endeavor to enter the United States surreptitiously, Congress, on June 27, 1940, by deficiency appropriation, made available two million dollars for 712 additional Patrol officers, 57 auxiliary personnel, and the necessary equipment. This increased the force to 1,531 officers. During the war years, this force was used to provide tighter control of the borders, to man alien detention camps, guard diplomats, and to assist the military to guard the East Coast of the United States against the entry of Axis saboteurs. A Border Patrol unit was established in Boston, Massachusetts, in 1942, to guard the coastline and perform other Border Patrol duties in that area. This unit was deactivated in 1945.

The first attempt to patrol the borders by air began in the summer of 1941 when three autogiros were obtained from the military and transferred to the Service. The first fixed-wing airplanes were used in 1945 after three surplus L-5 observation planes were obtained from the military. The radio-coordinated air-ground operations have developed into one of the Patrol's most effective tools.

In 1942, after the beginning of World War II, the demand for labor accelerated rapidly. As farm laborers entered the military or found employment in the expanding war industry, an acute labor shortage was created in agriculture. Food production was considered vital to winning the war, and for the first time since World War I, it became necessary to recruit alien labor. An agreement with Mexico, effective August 4, 1942, provided for the importation of Mexican nationals. The first Mexican agricultural workers were admitted to El Paso, Texas, on September 27, 1942, under the Ninth Proviso of Section 3 of the Immigration Act of February 5, 1917. The continued shortage of domestic labor brought about the enactment of Public Law 45 on April 29, 1943, which provided for the importation of agricultural laborers.

This law expired December 31, 1947, and from 1948 to June 30, 1951, Mexican laborers again were imported under the Ninth Proviso. On July 12, 1951, congress passed Public Law 78, and Mexican laborers were imported under this Act (see Exhibit II). Upon termination of Public Law 78 on December 31, 1964, the importation of Mexican laborers diminished drastically. In calendar year 1965, 20,284 Mexican agricultural laborers were imported under Section 101(a)(15)(H)(ii) of the Immigration and Nationality Act. In addition, in fiscal year 1965, 15,377 British West Indians and 21,430 Canadian woodsmen and agricultural laborers were admitted under this Act. If the Canadian and British West Indian programs were eliminated, illegal entries would increase; however, the impact would not be as great on illegal alien activity as was brought about by the termination of Public Law 78. Statistics concerning the relationship between the importation of Mexican laborers and deportable aliens located reveal that as the number of contracted Mexican laborers declined, the number of deportable aliens apprehended increased. (See Exhibits I and II)

Early in fiscal year 1950, a Border Patrol unit was established in New York, followed by the establishment of units in Philadelphia, Baltimore, and Norfolk, to perform seaport and crewman control duties. These units were abolished in 1952 and the officers and functions were transferred to the newly formed Investigations Division.

Starting with fiscal year 1944 and upon termination of World War II, illegal alien activity accelerated rapidly, especially along the

Mexican border. Apprehension of deportable aliens increased each year. During this period, the authorized force decreased from 1,637 to 1,079. The increasingly large number of apprehensions each year could not be pointed at with pride. These large numbers of aliens who could be apprehended so rapidly indicated a weakness in the prevention of illegal entry. During appropriation hearings in February 1951, Service representatives were informed that the influx of illegal aliens was a major and fantastic disgrace and a reflection on the Immigration Service, the Department of Justice, and representatives of the national government, and that the situation was so serious along the Mexican border that it made a farce of the Immigration laws in that area.

The Mexican border situation continued to deteriorate, especially in the California and Rio Grande Valley areas. It was reported that aliens were responsible for 755 of the crimes in some of the South Texas and California counties. The Service was implored by citizens' associations, chambers of commerce, and local peace officer groups to use all possible resources toward controlling the hordes of illegal aliens flooding the Southwest. The numerous reports of robbery, rape, and pillage by illegal aliens indicated the seriousness of the situation.

In 1950, in attempting to halt this invasion, the Canadian border was reduced by 62 positions that were shifted to the Mexican border. In addition, an airlift to the interior of Mexico was inaugurated June 1, 1951. Approximately 51,504 aliens were airlifted before that lift was discontinued during July 1952 for lack of funds. The Mexican Government then agreed to provide train lifts for its nationals, with military surveillance, from the San Antonio and Los Angeles Districts to the interior of Mexico. These trainlifts were inaugurated in July 1952, but because of their ineffectiveness were discontinued after about five months of operation. During that time 25,297 aliens were transported from the border areas. In most areas, the Border Patrol could apprehend daily as many aliens as officers could handle. It was the same old story, year after year—too little and too late to stop the wave of illegal entries.

On June 9, 1954, however, the Attorney General announced that the Border Patrol would begin an operation to rid Southern California of illegal aliens. On June 17, 1954, a special force of some 800 officers from all districts was assembled at El Centro and Chula Vista, California. As news of the special operation spread, unknown thousands of aliens left the country voluntarily. The adult, healthy, Mexican males without families were expelled by bus at Nogales and from there by train, at the expense of the Mexican Government, to the interior of Mexico. In approximately thirty days, the operation was shifted to the South Texas area. After the setback invasion was brought under control there, officers were assigned to Chicago and other interior cities to clean out the illegal aliens in those areas. After removing the hordes of illegal aliens in the Southwest, it was reported that unemployment claims in California dropped by \$188,000 a week and that crime in some border counties decreased from 50%-90%. Welfare agencies and hospitals reported a decrease in charity demands. Jobs were made available for local citizens, and merchants reported rising sales. There was a general improvement in the economic, social, and health conditions all along the Mexican border. For example, the infant mortality rate in Hi-

dalgo County, Texas, dropped from 233 in 1953 to 31 in the last half of 1954.

To assure that there would be a sufficient number of officers on a permanent basis to maintain control of the borders, Congress, in fiscal year 1955, authorized an increase of 400 patrol agents. To provide for a means for the expeditious movement of aliens in Service custody, five transport aircraft were acquired in late 1954. It was realized at the time that there could be no relaxation of our enforcement effort and, realizing the need to remove border violators from the area of their gainful employment in order to discourage their illegal return, the Border Patrol, on September 8, 1954, began expelling adult Mexican male aliens by boatlift from Port Isabel, Texas, to Vera Cruz, Mexico. The operation was terminated in August 1956, after 49,503 aliens had been removed. The Ojinaga to Chihuahua trainlift, and the Reynosa-Matamoros, Tamps., to Leon, Gto., airlift were started September 26, 1956, and November 29, 1957, respectively. For a brief period in 1965, the airlift was extended to include flights from Mexicali and Juarez. The Mexican airlift operation was discontinued in February 1969. Various other programs have utilized bus or train transport in Mexico to return aliens to the vicinity of their homes. At the close of Fiscal Year 1973, the following removal operations were in existence. The data of origin of the operation appears within the parentheses.

Airlift: Tijuana-Leon (3/25/70).

Buslift/Trainlift: Presido (9/26/56); El Paso-Jimenez (9/12/67); El Paso-Chihuahua (9/16/68); Port Isabel-San Luis Potosi (4/8/69); El Centro-Los Mochis (9/9/68); Chula Vista-Mazatlan (5/16/69); Del Rio-San Luis Potosi (3/13/70); Nogales-Oregon (12/3/70).

By 1956 the Mexican border violations had been reduced to the extent that adequate control prevailed. It was then possible to strengthen the other areas which was accomplished by transferring 84 officer positions from the Southwest Region. Thirty positions were allocated to the Northeast Region, 33 to the Northwest Region, and 21 to the Southeast Region.

As border conditions improved, it was realized that attention should be given to the illegal entry of aliens by air. Recognizing the potential use of private aircraft for alien smuggling and the need to provide a method to combat smuggling and illegal entry by air, as there were reportedly widespread violations, air detail offices were established for the Mexican border at El Centro, California, in July 1955, and relocated to Yuma, Arizona, in June 1956; at Detroit, Michigan, for the Canadian border in September 1957; and in the Miami Sector for the Caribbean area in July 1959. The function of these offices is to index, evaluate, and disseminate information relating to suspect aircraft and pilots transiting the Mexican, Canadian, and Florida and Gulf Coast borders. In April 1968, the Detroit office was merged with the Yuma office and in June 1968, the Miami office was moved to Yuma. Although these facilities are manned by Border Patrol personnel, they are Service-wide facilities and all offices contribute information concerning suspect aircraft and individuals, and consult the records when the need arises. More than one hundred thousand legal entries by private aircraft are verified each year. These offices have assisted in establishing almost 950 violations of Section 239 of the Immigration and Nationality Act (illegal entry in aircraft).

Further, as controls were tightened along the borders, increasing numbers of aliens resorted by use of false documents to support

claims to United States citizenship. In view of the expanding complexity of the problem, it became evident that a coordinated effort on a national scale was needed to combat this menace to enforcement control, and as a result, the Fraudulent Document Center was established at El Paso, Texas, on April 15, 1958.

The Center compiles information from completed cases involving fraudulent birth or baptismal certificates used by Mexican aliens, and this information is readily available to a field officer who encounters a doubtful document claim to United States citizenship by a subject of Mexican extraction. The Center was moved to Yuma in June 1968 to place all Border Patrol record-keeping facilities in one location.

Two other record facilities are being operated by the Border Patrol. The Anti-Smuggling Information Center was established in 1965 to correlate information to identify known and/or suspect smugglers of aliens operating in the western portion of the U.S./Mexican border. The area involved has been extended to include all of the Southwest Region and the facility is now situated at Yuma, Arizona. Service officers direct information relating to smuggling operations to the Center for correlation, indexing, and filing. The current workload includes handling and processing approximately 6,000 cases per year and over 12,000 inquiries per year. A similar facility was established on July 1, 1971, at Swanton, Vermont, for information relating to alien smuggling across the U.S./Canadian border. The workload at the Canadian border facility is much less than the one on the Mexican border, but inquiries now exceed 100 per month. Beginning in 1959, there was a number of special problems of national interest that arose which resulted in the Border Patrol being called upon to furnish assistance. After Castro had succeeded in taking over the Cuban Government on January 1, 1959, anti-Castro Cubans and, in some cases United States citizens, used Florida airports to carry out hostile activity against Cuba, thereby causing embarrassment to this government. Under Presidential Proclamation 3004 dated January 17, 1953, and the provisions of Section 215 of the Immigration and Nationality Act (66 Stat. 190) and regulations of the Secretary of State relating to 22 CFR 46 and 53, the Attorney General was requested, on November 1, 1959, to prevent the departure of persons from the United States to Cuba, including its air space, who appeared to be departing for the purpose of starting or furthering civil strife in that country. The administrator of the Federal Aviation Administration issued a regulation requiring all persons operating civil aircraft for flights to or over Cuba to file a flight plan, to notify the Immigration and Naturalization Service, and to depart from designated international airports.

The Cabinet, on February 26, 1960, assigned primary responsibility for coordinating the efforts of various agencies to enforce the policy of interdicting illegal flights or incursions or export of arms to Cuba with the Administrator of the Federal Aviation Administration. The responsibility for preventing departure of unauthorized flights was assigned to the Border Patrol. In order to carry out these responsibilities, the 86th Congress, as a part of the appropriation for fiscal year 1961, appropriated \$1,600,000 to increase the Border Patrol authorized force by 155 officers. On April 1, 1962, 33 of these positions were converted to guard positions and assigned to the Miami District. As the Cuban problem in Florida improved, the need for

the additional officers diminished, and the force was further reduced by 122 positions on February 6, 1963.

In May 1961, the Department of Justice requested the detail of, and was furnished, 349 patrol agents, with necessary vehicles and radio equipment, to assist U.S. marshals in quelling racial disturbances at Montgomery, Alabama. Subsequently, Patrol officers have assisted U.S. marshals in riot control at Oxford, Mississippi, Selma-Montgomery, Alabama, at the Pentagon and Resurrection City in Washington, D.C.; and in many other operations. The Border Patrol also participated in the transfer of food and drugs in the exchange for Bay of Pigs prisoners from Cuba.

In addition, the Patrol has aided U.S. marshals in maintaining peace and good order during the hearings of the House of Representatives Subcommittee on Un-American Activities. Also, between January 1961 and November 1963 Border Patrol officers were assigned to security duty with Air Force personnel to guard President Kennedy's plane in West Palm Beach, Florida. Later, during President Johnson's visits to Blaine, Washington, and El Paso, Texas, Border Patrol officers were detailed to assist the security force at those places.

During the Presidential Inauguration in January 1969, Patrol Agents were detailed to Washington, D.C., to assist in security measures. Operations Instruction 105.6(b) provides for immigration officers to render assistance to the Secret Service in its protective responsibilities to the President.

Between May 1, 1961, and August 6, 1961, there were three successful and one unsuccessful hijack attempts directed against United States commercial aircraft by unstable dissidents. On August 10, 1961, President Kennedy announced to the nation that U.S. Border Patrolmen would be assigned to protect a number of flights in order to prevent future hijack attempts. Twelve hours later, our officers were riding and safeguarding commercial flights. The operation was coordinated by the Miami Sector for the entire United States, and when it reached its peak on August 16, 1961, 50 officers per day were accompanying 92 flights. This was scaled down gradually until September 9, after which date officers accompanied flights only upon request by an airline, the Federal Aviation Administration, or upon receipt of information that a hijack attempt might be made. During the operation, Patrol officers guarded 1,310 commercial flights and travelled 1,724,396 miles. That the operation was successful is borne out by the fact that no hijack attempts occurred during the operation. The last flight by our officers took place on October 23, 1961, when Federal Aviation Administration peace officers assumed responsibility for this activity. Between September 14, 1969 and November 2, 1969 Service Immigration Inspectors, Investigators, Airplane Pilots, and Border Patrol Agents participated in "Operation Intercept/Cooperation," a multi-agency operation to halt the smuggling of marijuana, narcotics, and dangerous drugs from Mexico. Advanced planning and subsequent implementation involved realignment of Border Patrol officers assigned to back-up operations to the border area, detailing Patrol Agents and Investigators from other regions to the Southwest Region. Extending the workweek of all officers to provide greater availability of manpower, establishment of radar coverage through the cooperation of the Military and the Federal Aviation Administration, use of leased pursuit aircraft flown by Border Patrol pilots to

intercept unidentified aircraft entering the United States from Mexico, and establishment of a communications system between the agencies for transmission of intelligence and operating information. The combined efforts of the participating agencies succeeded in achieving the program's objectives and initiated new approaches to a problem of national magnitude.

With the realignment and the details from other regions there were 1,123 officers assigned to border surveillance, an increase of 254 officers. A six day workweek was authorized for the officers assigned to the operation. For pursuit purposes, the Service leased seven Beech Baron aircraft and furnished three Cessna 180 and one Piper Cherokee, whereas, FAA provided two Beech Barons and Customs made available their Cessna 210. Sixteen Service pilots were accorded training to fly the Service Beech Barons. Twenty-one FAA and Military radar installations were utilized, of which ten were portable units. The greatest concentration of radar coverage extended from El Paso to the West Coast. Service communications equipment installed at radar sites were manned by Service officers.

Statistics relating to enforcement functions performed by Border Patrol Agents and Service Investigators during "Operation Intercept/Cooperation" reflect 115 Customs violators were located, resulting in 52 seizures which included approximately 7,000 pounds of marijuana, almost 20 ounces of heroin, and nearly 250,000 units of dangerous drugs.

After our enforcement effort was strengthened and the illegal entry problem brought under control, the number of deportable aliens apprehended remained relatively steady from Fiscal Year 1957 to Fiscal Year 1964, inclusive. During this period, the borders were considered to be under an acceptable level of control.

However, since termination of Public Law 78 on December 31, 1964, apprehensions, especially in the Southwest Region, have increased drastically. For example, during Fiscal Year 1964, the Border Patrol apprehended 42,879 deportable aliens, as compared to 369,495 in Fiscal Year 1972, an increase of 326,416 or 761%. There was a more significant increase in the apprehension of adult Mexican males "EWI" during the same period—17,812, in 1964, and 435,171 in 1973, an increase of 417,359 or 2343%.

To further illustrate the illegal alien problem facing the Border Patrol it is necessary to emphasize that, in Fiscal Year 1955, when the illegal entry situation along the Mexican border was brought under control, there were 337,996 Mexican laborers imported under Public Law 78 to help alleviate the agricultural labor shortage, as compared to the admission of only 20,287 Mexican agricultural laborers under the bracero program (Public Law 78). Mexican braceros were employed in seventeen states during the last year of the program. A few employers of agricultural laborers have requested certification for temporary foreign workers under the provisions of Section 214 and relating regulations. The number of Mexican laborers imported have been mere tokens of the labor force formerly available. In Fiscal Year 1966 there were 18,544 Mexican laborers admitted, 7,703 in 1967, 6,127 in 1968. No Mexican laborers have been imported since 1968.

A few months after the bracero program terminated it became evident that only a small number of workers would be admitted for temporary employment. This prompted former agricultural contract laborers, many

whose only source of income and livelihood for years had been derived from work in the United States, and many others, knowing that work was available in this country, to resort to illegal entry.

To combat this pressure along the southern border, officers were detailed to the most active areas, transfers from the Southwest Region to the other regions were frozen February 2, 1965, and during the last six months of Fiscal Year 1966, 95 Patrol Agents positions were transferred from the other regions to the Southwest Region to bolster our forces there. Although these measures have helped, the problem of maintaining adequate control against illegal alien activity has taxed our resources to the fullest.

The continuing high volume of border violations has necessitated an increase of 152 officer positions in Fiscal Years 1970 and 1971, and 140 positions in Fiscal Year 1972. In addition, considerable knowledge has been acquired relative to the development and utilization of electronic intrusion devices to supplement border security. This comparatively new field of endeavor for the Border Patrol will undoubtedly become a major factor in the overall success of enforcement functions.

Barring a major economic disaster, such as a nationwide depression, the opportunity for employment will remain the principal attraction to the migration of aliens to the United States. A severe shortage of unskilled agricultural workers during World War II was eased considerably by the legal, temporary admission of workers from adjacent countries. This in itself did not halt the flow of illegal aliens; however, increased enforcement measures, coupled with the availability of legal farm workers, served to bring the illegal entry problem well within control of the Border Patrol. In recent years a transition in reverse has been taking place; i.e., efforts have been directed toward replacing the alien worker with citizens and legal residents. This transition, which is beyond Service control, has already and will continue to have a bearing on Border Patrol operations.

During the transition, actions taken by agricultural associations and individual farmers can affect the rate of progress and the future requirements for agricultural workers. Wholehearted acceptance of the local worker in lieu of imported labor will facilitate the transition. Unfortunately, some associations and farmers are still relying on illegal aliens to perform field work. Conversion to crops requiring less manpower and elimination of non-essential luxury produce requiring excessive labor and care would reduce the need for laborers; however, such conversions, if they have been made, have had no appreciable affect on the laborers needed. Lastly, the development and utilization of mechanical devices for ground preparation, planting, cultivation, and harvesting will influence the future requirements for agricultural workers. Further technological advances are forthcoming, but not within the present time frame.

Other important factors that cause aliens to enter the United States in violation of law are socio-economic and political conditions in their homelands. Mexico is a prime example of the disparity in existing socio-economic conditions. Although progress has been made in commercial and agricultural development, housing, educational opportunities, social and welfare matters, a high rate of unemployment persists, particularly for the unskilled laborer. Two interesting observations have appeared in news media that concisely pinpoint Mexico's labor situation.

In testimony before the House Subcommittee on Immigration on July 9, 1971, at El Paso, Texas, American Consul General William P. Hughes stated "Mexico is expected to have 70 million people by the year 2000. It must create 400,000 jobs a year. Perhaps if we could aid Mexico to narrow the economic gap the illegal problem could erode". (El Paso Herald, July 10, 1971). The January 29, 1973, issue of U.S. News & World Report contained the following: "Mexico is wading into 1973 with a Growing Problem. Too few jobs for too many people. The rate for unemployment and underemployment is estimated to top 20 per cent nationwide. In the countryside, the figure may hit 50 per cent. Economists say more than 1 million Mexicans reach age 15 each year. Most of them enter the labor market". In contrast, Canada's progress has served to reduce incentives for some of its citizens to seek benefits elsewhere. The political situation in Cuba has resulted in the exodus of large numbers of Cubans, with thousands of them finding refuge in the United States. It is not possible to predict the degree to which the foregoing factors will affect Border Patrol operations. Likewise, there is no means by which to gauge the duration of conditions that prompt aliens to enter the United States illegally. In the absence of positive, predictable or controllable factors, the Border Patrol must continue to utilize its manpower and other resources as efficiently and effectively as possible to control the flow of illegal aliens in the United States.

BIBLIOGRAPHY

In citing the various stages of development in this History of the Border Patrol, a number of sources were researched. In some instances, direct quotations were lifted from the original documents and, in others, the writer has paraphrased to avoid voluminous and repetitious quotations.

Among the major sources reviewed were: U.S. Statutes at Large; U.S. Code Congressional and Administrative News; Annual Reports of the Immigration and Naturalization Service, Fiscal Years 1892 through 1968; Our Immigration, M-85, 1963 Edition; Development of Immigration and Naturalization Laws and Service History, M-67, Revised 5/1/64; The Border Patrol—Its Origin and Its Work, M-157, 1963 Edition; Appropriation Hearings, Fiscal Years 1920 through 1965; Appropriation and Immigration Congressional Committee Reports; Service Statistical (G-23) Reports; Service Files; Laws Applicable to Immigration and Nationality; World Book Encyclopedia, 1965 Edition; Planned Parenthood News, Spring 1966, Edition.

Mr. Speaker, I just want to recap that it all started with the Mounted Guard, which was assigned to the Immigration Service under the Department of Commerce and Labor from 1904 to 1924.

The founding members of this Mounted Guard included Texas Rangers, sheriffs, and deputized cowboys who patrolled the frontier looking for smugglers and rustlers back during that early period.

On May 28, 1924, the Border Patrol was established within the Bureau of Immigration with an initial force of 450 patrol inspectors and a yearly budget of \$1 million and an average yearly salary of \$1,300 for its inspectors who, incidentally, had to provide their own horse.

During the Border Patrol's 75-year history, these highly trained, dedicated, and professional officers have assisted in controlling civil disturbances, performing national security details for the President while he has traveled in our border States, aided in foreign training and assessments in countries such as Bolivia, Colombia, Cuba, Ecuador, Guatemala, El Salvador, and Haiti, and have responded with security and humanitarian assistance in the aftermath of numerous natural disasters, which include the massive earthquake in San Francisco in 1989 and the Mexico City earthquake of 1990.

Every year hundreds of lives are saved along our Nation's borders by Border Patrol agents that are out routinely on search-and-rescue missions. During the first airline hijacking in U.S. history, which occurred in El Paso in 1961, Border Patrol agents played an instrumental role in averting a disaster and restoring order.

During the civil rights era, Border Patrol agents were often deputized as U.S. Marshals to assist in the integration of our schools. Border Patrol agents have worked with the FBI and other law enforcement agencies throughout this country charged with our national security to intercept individuals that pose a threat to our national security.

The Border Patrol is also the lead agency today tasked with drug interdiction between our ports of entry, playing a major role in keeping our neighborhoods drug free.

Mr. Speaker, I could go on and on about the accomplishments, dedication, and the role of the United States Border Patrol and the history of this country.

The present force of over 8,000 agents, located in 146 stations under 21 sectors, is responsible for protecting more than 8,000 miles of international land and water boundaries. It is this Nation's largest-uniform Federal law enforcement agency.

The men and women of the United States Border Patrol have the dual role of protecting this Nation's borders and enforcing immigration laws in a fair and humane, professional manner. Their job is tough and it takes a special person to perform their duties. It also takes a special person to work summers in the deserts of Arizona and West Texas or the cold winters in North Dakota and Vermont.

Our agents provide a vital service to our Nation day in and day out, and I am very proud that we are passing this resolution to thank them and honor them on behalf of this House of Representatives.

The work that our Border Patrol agents perform each day is dangerous. Eighty-six agents and pilots have lost their lives in the line of duty, six last year and two this year.

Mr. Speaker, I include for the RECORD the names of each of those brave men and women who have died while serving their country:

BORDER PATROL OFFICERS KILLED IN THE LINE OF DUTY

Clarence M. Childress, April 16, 1919.
Charles L. Hopkins, May 8, 1919.
Charles Gardiner, October 22, 1922.
James F. Mankin, September 14, 1924.
Frank N. Clark, December 13, 1924.
Joseph P. Riley, April 6, 1925.
Augustin De La Peña, August 2, 1925.
Ross A. Gardner, October 28, 1925.
William W. McKee, April 23, 1926.
Lon Parker, July 25, 1926.
Thad Pippin, April 21, 1927.
Franklin P. Wood, December 15, 1927.
Norman G. Ross, February 10, 1928.
Robert H. Lobdell, December 25, 1928.
Earl A. Roberts, March 24, 1929.
Benjamin T. Hill, May 30, 1929.
Ivan E. Scotten, July 20, 1929.
Miles J. Scannell, September 9, 1929.
William D. McCalib, January 7, 1930.
Harry E. Vincent, March 25, 1930.
Robert W. Kelsay, June 25, 1930.
Frank Vidmar, Jr., March 24, 1932.
Charles F. Inch, June 26, 1932.
Philip D. Stobridge, March 7, 1933.
Doyle C. Melton, December 7, 1933.
Bert G. Walthall, December 27, 1933.
William L. Stills, January 17, 1940.
George E. Pringle, December 28, 1940.
Robert J. Heibler, September 7, 1941.
Ralph W. Ramsey, February 26, 1942.
Earl F. Fleckinger, June 23, 1945.
Ned D. Henderson, November 18, 1945.
Anthony L. Oneto, March 11, 1947.
Michael T. Box, August 29, 1950.
Richard D. Clarke, December 18, 1950.
Edwin H. Wheeler, July 6, 1952.
William F. Bucklew, July 23, 1954.
Donald Kee, July 23, 1954.
James M. Kirchner, November 15, 1954.
James M. Carter, June 6, 1956.
Douglas C. Shute, June 6, 1956.
John A. Rector, October 16, 1956.
Archie L. Jennings, April 16, 1960.
Kenneth L. Carl, June 18, 1961.
Richard A. Lugo, May 14, 1967.
George F. Azrak, June 17, 1967.
Theodore L. Newton, Jr., June 17, 1967.
Elgar B. Holliday, October 18, 1967.
Ralph L. Anderson, October 25, 1968.
James G. Burns, December 8, 1968.
Henley M. Goode, Jr., October 11, 1969.
John S. Blue, October 4, 1969.
Friedrich Karl, October 4, 1973.
Edwin C. Dennis, February 4, 1974.
Lee L. Bounds, March 29, 1974.
Glenn A. Phillips, July 8, 1974.
Oscar T. Torres, November 30, 1974.
Joseph P. Gamez, Jr., April 21, 1978.
Weldon Smith, October 19, 1979.
Victor C. Ochoa, March 11, 1983.
Thomas K. Byrd, November 21, 1983.
Manuel Salcido, Jr., January 2, 1985.
Lester L. Haynie, June 14, 1985.
Norman Ray Salinas, August 4, 1986.
John R. McCravy, February 23, 1987.
Josiah B. Mahar, September 23, 1988.
David F. Roberson, July 14, 1989.
Keith Connelly, September 6, 1989.
John D. Keenan, November 27, 1989.
Louis D. Stahl, June 13, 1992.
Jose A. Nava, January 6, 1995.
Luis A. Santiago, March 28, 1995.
Joe R. White, April 18, 1995.
Jefferson L. Barr, January 19, 1996.
Aurelio E. Valencia, January 25, 1996.
Michael W. Barnes, December 12, 1996.
Miguel J. Maldonado, March 10, 1997.

Stephen C. Starch, June 14, 1997.
 Alexander Kirpnick, June 3, 1998.
 Susan L. Rodriguez, July 7, 1998.
 Ricardo G. Salinas, July 7, 1998.
 Jesus A. De La Ossa, October 20, 1998.
 Thomas J. Williams, October 20, 1998.
 Walter S. Panchison, October 23, 1998.
 Rene B. Garza, January 20, 1999.
 Stephen M. Sullivan, March 27, 1999.

Mr. Speaker, last year and this year, the following agents were killed protecting our country: Alexander Kirpnick, Susan Rodriguez, Ricardo Salinas, Jesus De La Ossa, Thomas Williams, Walter Panchison, Rene Garza, and Stephen Sullivan.

I am proud to have had the opportunity to serve as a member of the United States Border Patrol.

When I came to Capitol Hill and began my career in Congress, I was pleased to find that the United States Border Patrol had tremendous support, some of which this evening has been given by my colleague from Texas and my colleague from Alabama.

This support has been reflected in the mandate that INS hire an additional 1,000 Border Patrol agents each year until the year 2001. This support has been shown time and time again by this Congress providing funds for the hiring of these agents and, as my colleague from Texas (Ms. JACKSON-LEE) mentioned, increasing their pay.

As I said, I was proud to add my name to the legislation introduced by my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), which would provide pay raises for the majority of our agents.

I am proud to have introduced with my friend and colleagues, the gentleman from Texas (Mr. SMITH) and the gentleman from Kentucky (Mr. ROGERS), legislation to reform the INS and to create two separate bureaus. Our legislation would ensure that the voices of these hard-working agents are heard at the highest levels and that their safety and well-being is priority number one.

Mr. Speaker, let me once again thank my colleagues for their assistance in getting this bill to the floor. The gentleman from Texas (Chairman SMITH), the gentlewoman from Texas (Ms. JACKSON-LEE), the Republican leadership, and the Democratic leadership all have strongly supported my efforts, and I want to thank them.

I urge all of my colleagues to support H. Con. Res. 122, which recognizes the historical significance of the United States Border Patrol's contribution over the course of the last 75 years of commitment and service to our great country.

Mr. Speaker, I include for the RECORD the following poem that was written by Former Chief of the U.S. Border Patrol Buck Brandemuehl, entitled "That Uniform":

BUCK BRANDEMUEHL,
January 10, 1994.

THAT UNIFORM

The other day I went out to the garage to rummage about. I spied this wardrobe along the wall. I opened the door and saw that uniform. You know the one—it's dark green, has a patch on the shoulder with a blue stripe running down the pants leg. I took that uniform out and hung it on the door, and then sat back to reminisce awhile.

I remember when I first put that uniform on. I'll bet you do too. For me it was 1956. I was just out of the academy and boy was I proud. It seems just like yesterday. How time flies. Well, it took me a while to realize just what that uniform stood for and what it represented. For me it represented the men and women of a great country and the laws they enforce.

It embodies the old mounted patrol, the first ones to patrol the line. Did you know that uniform has traversed our borders for over 75 years? During prohibition when fire-fights and loss of life were the norm, the officers wearing that uniform carried out their mission above and beyond.

Throughout WWII that uniform certainly served its country well, and since that time it has appeared in some unusual places such as wounded knee, Indian Town Gap, Fort Chafee, and St. E's to name but a few.

That uniform has been in inaugurations, and has helped to provide security for dignitaries, including several of our Presidents. It has appeared before both houses of Congress to tell its story, and it has spanned the oceans to become known internationally. Yes, that uniform has been on the front lines during the Cuban and the Haitian crises, and the war on drugs.

I see that uniform now standing at a traffic checkpoint with the sun beating down. I see it kneeling beside the railroad tracks and standing steadfastly along a riverbank at midnight. I see that uniform diving in a canal to save a life. I see it being worn by one of our pilots on a mercy flight with a burn victim. And, above all, I see that uniform standing in honor of one of our fallen.

PRIDE IN OUR PAST . . . FAITH IN OUR FUTURE . . . YOU'RE DARNED RIGHT!

Mr. Speaker, I would like to conclude my remarks this evening by reading the last paragraph of that poem.

I see that uniform now standing at a traffic checkpoint with the sun beating down. I see it kneeling beside the railroad tracks and standing steadfastly along a riverbank at midnight. I see that uniform diving in a canal to save a life. I see it being worn by one of our pilots on a mercy flight with a burn victim. And, above all, I see that uniform standing in honor of one of our fallen officers.

Mr. Speaker, the motto of the United States Border Patrol today is "pride in our past, faith in our future."

I want to thank the ranking member the gentlewoman from Texas (Ms. JACKSON-LEE) and my colleague the gentleman from Alabama (Mr. BACHUS) for their support this evening.

Ms. JACKSON-LEE of Texas. Mr. Speaker, with the eloquent words of the gentleman from Texas (Mr. REYES) and the salute that we have given to the Border Patrol, I want to congratulate him and congratulate the Border Patrol.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

□ 1830

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

In recent years, the House Committee on the Judiciary has strongly supported and greatly appreciated the indispensable work of the border patrol in combating both illegal immigration and drug smuggling. It was truly gratifying, I think, to all of us to hear the testimony of the gentleman from El Paso, TX (Mr. REYES) talk about the difficult and dangerous work that they do. Some of us may know, but I think it is worth noting that he served with the border patrol for some 22 years. He had an illustrious career with them and was a border patrol chief. It is the gentleman from Texas that introduced this resolution.

What does the resolution do? It honors the border patrol on the occasion of their 75th anniversary. How fitting that the person that introduced that resolution and the primary speaker on the floor was the gentleman from Texas. This resolution, because he introduced it and because it is such a worthy and distinguished anniversary, has bipartisan, widespread support. I would like to conclude by not only thanking the gentleman from Texas but also thanking the chairman of the Subcommittee on Immigration the gentleman from Texas (Mr. SMITH). He had business in the district and could not be here. I am managing this legislation for him. I would also like to commend the ranking member of the Subcommittee on Immigration the gentlewoman from Texas (Ms. JACKSON-LEE).

Mr. SMITH of Texas. Mr. Speaker, the founding members of today's U.S. Border Patrol were Texas Rangers, sheriffs, and cowboys who patrolled the Texas frontier looking for smugglers, rustlers, and illegal aliens. From their rough beginnings they have grown into a present-day force of over 8,000 full time Border Patrol agents and supporting staff.

The 1996 immigration reform law, which I introduced, authorized the hiring of 5,000 additional Border Patrol agents over 5 years. So far more than 2,000 agents have been added to the force in just the past 3 years.

This has had a significant positive effect in deterring and reducing illegal immigration and drug trafficking. However, the Clinton administration has continued to oppose increasing the size of the Border Patrol, despite widespread support and proven results.

The Border Patrol, which must guard 8,000 miles of border against drug smugglers, alien smugglers, criminals, and terrorists, still has fewer personnel than the Chicago city police department. The administration's own drug czar, General Barry McCaffrey, estimated that at least 20,000 Border Patrol agents are needed to control the flow of drugs into our country. And a recent academic study estimated that 16,000 agents are needed for the Southwestern border alone.

I hope this great 75th anniversary of the Border Patrol will give the administration one more opportunity to reconsider its opposition to increasing the ranks of the Border Patrol.

But the administration's foot-dragging should not obscure the central purpose of this resolution, which is to recognize the courage, dedication, and professionalism of the thousands of American men and women who have worn the Border patrol uniform with pride and served their country with distinction.

At great risk and sometimes even at the cost of the lives, Border Patrol agents have guarded our frontiers for 75 years. By day and by night, in the blazing hot Southwestern desert and in Rocky Mountain snowstorms, they have fought and triumphed.

Through this resolution sponsored by my good friend and fellow Texan SILVESTRE REYES, himself a career Border Patrol agent who was responsible for Operation Hold the Line in El Paso, we honor the Border Patrol today.

Mr. FILNER. Mr. Speaker, I rise today first to thank my distinguished colleague Congressman SILVESTRE REYES for bringing this tribute to the floor today. SILVER, you have provided a daily, living example to us in the House of the professionalism and dedication of this great 75-year-old organization. The Border Patrol is one of the most important law enforcement organizations in my community of San Diego. It is responsible for keeping our border community safe. Because of the Border Patrol, our country and our communities are protected. We are protected against criminals who would cross the border; we are protected against drugs that could flow across our border; because of Operation Gatekeeper, we are protected against the flows of desperate immigrants running across our backyards and up our freeways; we are protected because Border Patrol personnel, from the inspectors to the agents put their lives on the line daily to keep ours safe.

For 75 years, the Border Patrol has acted as one of the first lines of defense for our country. I want to thank the members of the Border Patrol and especially honor the 86 members of the Patrol who have lost their lives so ours could be safe. It is a fitting tribute to them, this day before Veteran's Day—they are our Veterans in the war to protect our Border.

Mr. BACHUS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Alabama (Mr. BACHUS) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 122.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATIONS SATELLITE COMPETITION AND PRIVATIZA- TION ACT OF 1999

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3261) to amend the Communications Satellite Act of 1962 to promote competition and privatization in satellite communications, and for other purposes.

The Clerk read as follows:

H.R. 3261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Communications Satellite Competition and Privatization Act of 1999".

SEC. 2. PURPOSE.

It is the purpose of this Act to promote a fully competitive global market for satellite communication services for the benefit of consumers and providers of satellite services and equipment by fully privatizing the intergovernmental satellite organizations, INTELSAT and Inmarsat.

SEC. 3. REVISION OF COMMUNICATIONS SATELLITE ACT OF 1962.

The Communications Satellite Act of 1962 (47 U.S.C. 101) is amended by adding at the end the following new title:

"TITLE VI—COMMUNICATIONS COMPETITION AND PRIVATIZATION

"Subtitle A—Actions To Ensure Procompetitive Privatization

"SEC. 601. FEDERAL COMMUNICATIONS COMMISSION LICENSING.

"(a) LICENSING FOR SEPARATED ENTITIES.—

"(1) COMPETITION TEST.—The Commission may not issue a license or construction permit to any separated entity, or renew or permit the assignment or use of any such license or permit, or authorize the use by any entity subject to United States jurisdiction of any space segment owned, leased, or operated by any separated entity, unless the Commission determines that such issuance, renewal, assignment, or use will not harm competition in the telecommunications market of the United States. If the Commission does not make such a determination, it shall deny or revoke authority to use space segment owned, leased, or operated by the separated entity to provide services to, from, or within the United States.

"(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621 and 623, and shall not make such a determination unless the Commission determines that the privatization of any separated entity is consistent with such criteria.

"(b) LICENSING FOR INTELSAT, INMARSAT, AND SUCCESSOR ENTITIES.—

"(1) COMPETITION TEST.—The Commission shall substantially limit, deny, or revoke the authority for any entity subject to United States jurisdiction to use space segment owned, leased, or operated by INTELSAT or Inmarsat or any successor entities to provide non-core services to, from, or within the United States, unless the Commission determines—

"(A) after April 1, 2001, in the case of INTELSAT and its successor entities, that INTELSAT and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States; or

"(B) after April 1, 2000, in the case of Inmarsat and its successor entities, that Inmarsat and any successor entities have been privatized in a manner that will not harm competition in the telecommunications markets of the United States.

"(2) CRITERIA FOR COMPETITION TEST.—In making the determination required by paragraph (1), the Commission shall use the licensing criteria in sections 621, 622, and 624, and shall not make such a determination unless the Commission determines that such privatization is consistent with such criteria.

"(3) CLARIFICATION: COMPETITIVE SAFEGUARDS.—In making its licensing decisions under this subsection, the Commission shall consider whether users of non-core services provided by INTELSAT or Inmarsat or successor or separated entities are able to obtain non-core services from providers offering services other than through INTELSAT or Inmarsat or successor or separated entities, at competitive rates, terms, or conditions. Such consideration shall also include whether such licensing decisions would require users to replace equipment at substantial costs prior to the termination of its design life. In making its licensing decisions, the Commission shall also consider whether competitive alternatives in individual markets do not exist because they have been foreclosed due to anticompetitive actions undertaken by or resulting from the INTELSAT or Inmarsat systems. Such licensing decisions shall be made in a manner which facilitates achieving the purposes and goals in this title and shall be subject to notice and comment.

"(c) ADDITIONAL CONSIDERATIONS IN DETERMINATIONS.—In making its determinations and licensing decisions under subsections (a) and (b), the Commission shall take into consideration the United States obligations and commitments for satellite services under the Fourth Protocol to the General Agreement on Trade in Services.

"(d) INDEPENDENT FACILITIES COMPETITION.—Nothing in this section shall be construed as precluding COMSAT from investing in or owning satellites or other facilities independent from INTELSAT and Inmarsat, and successor or separated entities, or from providing services through reselling capacity over the facilities of satellite systems independent from INTELSAT and Inmarsat, and successor or separated entities. This subsection shall not be construed as restricting the types of contracts which can be executed or services which may be provided by COMSAT over the independent satellites or facilities described in this subsection.

"SEC. 602. INTELSAT OR INMARSAT ORBITAL LOCATIONS.

"(a) REQUIRED ACTIONS.—Unless, in a proceeding under section 601(b), the Commission determines that INTELSAT or Inmarsat have been privatized in a manner that will not harm competition, then—

"(1) the President shall oppose, and the Commission shall not assist, any registration for new orbital locations for INTELSAT or Inmarsat—

"(A) with respect to INTELSAT, after April 1, 2001; and

"(B) with respect to Inmarsat, after April 1, 2000; and

"(2) the President and Commission shall, consistent with the deadlines in paragraph (1), take all other necessary measures to preclude procurement, registration, development, or use of new satellites which would provide non-core services.

"(b) EXCEPTION.—

"(1) REPLACEMENT AND PREVIOUSLY CONTRACTED SATELLITES.—Subsection (a) shall not apply to—

"(A) orbital locations for replacement satellites (as described in section 622(2)(B)); and

"(B) orbital locations for satellites that are contracted for as of March 25, 1998, if